

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION )

NUMBER 35-9878 (a18266) )

MEMORANDUM DECISION )

Change Application Number 35-9878 (a18266), in the names of Jung Enterprises Inc. and Beaver and Shingle Creek Irrigation Company was filed on August 11, 1994, to change the point of diversion, place of use and use of 1.5 acre-feet of water. Heretofore, the water has been diverted from Beaver Creek, located South 264 feet and East 2112 feet from the W $\frac{1}{4}$  Corner of Section 22, T2S, R6E, SLB&M, and used for irrigation within the service area of Beaver and Shingle Creek Irrigation Company.

Hereafter, it is proposed to divert 1.5 acre-feet of water from a six inch well, 100 feet to 400 feet deep, located South 2500 feet and East 3550 feet from the NW Corner of Section 21, T2S, R6E, SLB&M, to be used for the irrigation of 0.25 acre, the stockwatering of 10 head of cattle or equivalent, and the domestic purposes of one family in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 21, T2S, R6E, SLB&M.

The application was advertised in The Summit County Bee from September 2, 1994, to September 16, 1994, and was not protested.

It appears that this exchange can be made provided certain precautions are observed.

It is, therefore, **ORDERED** and Exchange Application Number 35-9878 (a18266) is hereby **APPROVED** subject to prior rights and the following conditions:

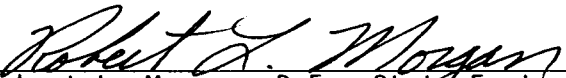
- 1) The basis for this change right is ownership of stock by the applicant in the Beaver and Shingle Creek Irrigation Company. This ownership must be maintained in good standing for this change to remain valid. No water may be withdrawn from the well if valid ownership of this stock is not in effect.
- 2) Total diversion under this change application for all uses applied for is limited to 1.5 acre-feet of water per year. These uses are limited to the domestic needs of one family, irrigation of 0.25 acre and stockwatering of ten cattle or equivalent. For the purpose of regulating this exchange, the applicant shall install a permanent totalizing meter to measure withdrawals from the well, which meter shall be available for inspection by representatives of the Division of Water Rights or the Beaver and Shingle Creek Irrigation Company.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date

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of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 20th day of January, 1995.


  
Robert L. Morgan, P.E., State Engineer

RLM:JRM:mw

Mailed a copy of the foregoing Memorandum Decision this 20th day of January, 1995, to:

Jung Enterprises Inc  
c/o Phillip and/or Marilyn B Jung  
1211 South Eads Street #1310  
Arlington, VA 22202

Beaver and Shingle Creek Irrigation Co  
PO Box 685  
Kamas, UT 84036

BY:   
MaClovia White, Secretary